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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,122	03/15/2002	Kaoru Uchiyama	Q68797	1128

7590 08/13/2003

SUGHRUE, MION, ZINN,  
MACPEAK AND SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

FULLER, RODNEY EVAN

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/098,122	UCHIYAMA, KAORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rodney E Fuller	2851	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract exceeds the 150-words limit. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbard, et al. (US 5,898,479).

Regarding claims 1, 10-12 and 15, Hubbard discloses "a focusing chart (Fig. 5, ref.#98) having a test pattern (Fig. 5, ref.# 94a) thereon; and a holding device (Fig. 1, ref.# 56) for holding said focusing chart in a position inclined to said reference focal plane, wherein a deviation of an object focal plane of said lens from said reference focal plane is detected in view

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of sharpness of said test pattern on an image formed from said focusing chart through said lens (See abstract).”

Regarding claim 2, Hubbard discloses “wherein said lens (Fig. 1, ref.# 40) is a printing lens, and said image forming surface is a photosensitive surface of a photographic recording material.”

Regarding claims 3, 14 and 18, Hubbard discloses “wherein said holding device holds said focusing chart such that a center of said test pattern is aligned with said reference focal plane (Fig. 1, ref.# 32).”

Regarding claim 4, Hubbard discloses “wherein said focusing chart further comprises a scale (Fig. 5, ref.# 99 and associated scale) provided adjacent said test pattern along the inclined direction of said focusing chart, said scale serving as a measure of relative height of said inclined focusing chart to said reference focal plane.”

Regarding claims 5, 6, 12, 13, 16 and 17, Hubbard discloses “wherein said test pattern comprises a plurality of lines (Fig. 6, ref.# 94, 99) extending in parallel to a transverse direction to the inclined direction of said focusing chart, said lines being equally spaced from each other in the inclined direction.”

Regarding claim 7, Hubbard discloses “wherein said holding device (Fig. 1, ref.# 56) comprising a holding frame that holds said focusing chart (Fig. 1, ref.# 80) therein, and a device (Fig. 1, ref.# 50-52, 54 for positioning said holding frame in the optical axis of said lens such that said focusing chart is inclined to said reference focal plane with a center of said test pattern aligned with said reference focal plane.”

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Regarding claim 8, Hubbard discloses “an inclination adjusting device (Fig. 1, ref.# 50-52 and 54) for adjusting the inclination of said focusing chart to said reference focal plane.”

Regarding claim 9, Hubbard discloses “wherein said focusing chart is manufactured by depositing said test pattern on a glass plate (column 4, lines 11-12).”

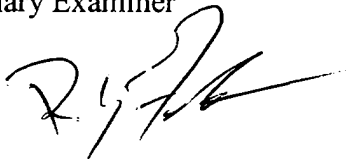
### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Juliana, Jr., et al. (US 4,645,338) discloses a focus inspection device with an inclined focusing chart.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller  
Primary Examiner

A handwritten signature in black ink, appearing to read 'R. Fuller', with a stylized flourish extending to the right.

August 8, 2003